UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,249	02/27/2002	Joseph Giordano	24124.000172	8236

7590   11/23/2010

Thomas J. Scott
Intellectual Property Department
Hunton & Williams
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/083,249	GIORDANO ET AL.
	Examiner	Art Unit	
	Clement B. Graham	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *09 September 2010*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21,23,24,26,52-58,60-62,64-66,68,69 and 71* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21, 23-24, 26, 52-58, 60-62, 64-66, 68-69, 71* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 21, 23-24, 26, 52-58, 60-62, 64-66, 68-69, 71 remained pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

   4. Claims 21, 23-24, 26, 52-58, 60-62, 64-66, 68-69, 71, are rejected under 35 U.S.C.

103(a) as being unpatentable over by Kaehler et al (Hereinafter Kaehler 6, 089, 284) in view of

Dahm et al (Hereinafter Dahm 6, 301,471).

   As per claim 21, Kaehler discloses a method for enrolling users in a transaction processing

program, comprising: receiving transmitter identification data and payment information from a

customer transponder to a point-of-sale device, wherein said payment information corresponds to

a credit card, debit card or bank account or a combination thereof, electronically associating said

transmitter identification data with said payment information (see column 39 lines 28-36 and

column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines

14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said associated transmitter

identification data and said payment information to a host transaction' processing system,

associated with the a customer transponder into the transaction processing program by storing

enrollment data comprising said associated transmitter identification data and said payment

information in said host transaction processing system (see column 39 lines 28-36 and column 12

lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and

column 17-18 lines 1-67 and fig: 9).

   Kaehler fail to explicitly teach electronically enrolling a user.

   However Dahm discloses this application provides the subscriber with information relating to

the terms and benefits of the service provider's offer. Additionally, this system provides a means

for the customer to complete the application on-line (see column 1 lines 54-65 and column 2

lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

   Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teachings of Kaehler to include electronically enrolling a user taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 23, Kaehler discloses further comprising transmitting additional customer information to Said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 24, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information from a customer transponder at one of a plurality of point-of-sale devices, wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said transmitter identification data and said payment information to a host transaction processing system (see column 12 lines 28 -65 and column 19 lines 3-67) electronically assigning a unique customer identifier that corresponds to said transmitter identification data see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-65 and fig: 9) associating said unique customer identifier, said transmitter identification data and said payment information and comprising said associated unique customer identifier, transmitter identification data and said payment information, associated with the a customer transponder into the transaction processing program by storing enrollment data comprising said associated unique customer identifier, transmitter identification data and payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly teach electronically enrolling a user.

However Dahm discloses this application provides the subscriber with information relating to the terms and benefits of the service provider's offer. Additionally, this system provides a means

for the customer to complete the application on-line (see column 1 lines 54-65 and column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include electronically enrolling a user taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 26, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 52, Kaehler further comprising:
providing the customer transponder associated with the transmitter identification data to a customer (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 53, Kaehler discloses wherein the providing the customer transponder and receiving the transmitter data and payment information occurs at a merchant location (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 54, Kaehler discloses further comprising:
providing the customer transponder associated with the transmitter identification data to a customer (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 55, Kaehler discloses wherein the providing the customer transponder and receiving the transmitter data and payment information occurs at a merchant location (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 56, Kaehler discloses further comprising:
verifying the payment information (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)
As per claim 57, Kaehler discloses further comprising:
verifying the payment information (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 58, Kaehler discloses a system, comprising:
a merchant reader that receives transmitter identification data and payment information, electronically associates said transmitter identification data with said payment information, and transmits said associated transmitter identification data and said payment information to a host transaction processing system wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof, associated with a customer transmitter by storing enrolment data comprising said associated transmitter identification data and said payment information in said host transaction processing system data enrolls user (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly a host processing system that receives said transmitted information. However Dahm discloses this application provides the subscriber with information relating to the terms and benefits of the service provider's offer. Additionally, this system provides a means for the customer to complete the application on-line (see column 1 lines 54-65 and column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include a host processing system that receives said transmitted information taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, Visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 60, Kaehler discloses wherein said merchant reader receives additional customer information and transmits the additional customer information to said host transaction processing system, and wherein said host transaction processing system associates said additional customer information with said transmitter identification data and said payment information, and stores said associated additional customer information, transmitter identification data and said payment information(see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 61, Kaehler discloses wherein said merchant reader is associated with a point-of-sale device. (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 62, Kaehler discloses a system, comprising:

a merchant reader that receives transmitter identification data and payment information and transmits said transmitter identification data and said payment information to a host transaction processing system, wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) and a host transaction processing system that electronically assigns a unique customer identifier that corresponds to said transmitter identification data associates said unique customer identifier(see column 12 lines 28 -65 and column 19 lines 3-67) said transmitter identification data and said payment information, associated with a customer transmitter into the transaction processing program by storing enrollment data comprising said associated unique customer identifier, transmitter identification data and payment information and enrolls a user associated with a customer transmitter by storing enrollment data comprising said associated unique customer identifier transmitter identification data and payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

As per claim 64, Kaehler discloses wherein said merchant reader receives additional customer information and transmits the additional customer information to said host transaction processing system, and wherein said host processing system associates said additional customer information with said transmitter identification data and said payment information, and stores said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 65, Kaehler discloses wherein said merchant reader is associated with a point-of-sale device. (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 66, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information at a point-of-sale device wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof, automatically associating said transmitter identification data with said payment information (see column 39 lines 28-36 and column 12 lines 28-64 and

column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said associated transmitter identification data and said payment information to a host transaction processing system(see column 12 lines 28 -65 and column 19 lines 3-67) and. (see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-65 and fig: 9).

Kaehler fail to explicitly teach automatically enrolling a user.

However Dahm discloses this application provides the subscriber with information relating to the terms and benefits of the service provider's offer. Additionally, this system provides a means for the customer to complete the application on-line (see column 1 lines 54-65 and column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include automatically enrolling a user taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better" meeting the subscriber's needs.

As per claim 68, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and~ said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 69, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information at one of a plurality of point-of-sale device, wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said transmitter identification data and said payment information to a host transaction processing system(see column 12 lines 28 -65 and column 19 lines 3-67) automatically assigning a unique customer identifier that corresponds to said transmitter identification data(see column 7 lines 1-10 and column 19 lines 3-67 and

column 12 lines 28- 65 and fig: 9) associating said unique customer identifier, said transmitter identification data and said payment information, associated with a customer transponder into the transaction processing program by storing enrollment data and comprising said associated unique customer identifier, transmitter identification data and payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly teach automatically enrolling a user.

However Dahm discloses this application provides the subscriber with information relating to the terms and benefits of the service provider's offer. Additionally, this system provides a means for the customer to complete the application on-line (see column 1 lines 54-65 and column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include automatically enrolling a user taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 71, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

Conclusion
RESPONSE TO ARGUMENTS

3. Applicant's arguments filed 9/09/2010 has been fully considered but they are not persuasive for the following reasons.

4. In response to Applicant's arguments that Kaehler and Dahm fail to teach or suggest "electronically associating transmitter identification data with payment information, wherein the

payment information corresponds to a credit card, debit card, or bank account, or a combination thereof and receiving both transmitter identification and payment information, wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof and teaches away from the capability of making any type of and all association between a transponder identification and a debit or credit card , bank account or combination thereof and electronically enrolling a user associated with the customer transponder in a transaction processing program by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system. Kaehler, teaches the transponder arrangement provides a couple of easy ways to pre-register data desired on a transponder, initially when applying for the transponder to be linked to the customer's credit card and a dispenser transmits a transponder identification to be authorized by the central site controller, or at a remote host authorization network and associates the transponder (id) with payment account such as a credit card stored which is consistent of associating a transponder with a payment method such as a credit card because of the pre-registration data that is stored is used for authentication of the transponder transactions.

Dahm teaches providing means for a customer to complete an online application for registration.

Therefore the combined teachings of Kaehler and Dahm when executed would perform the functions electronically associating said transmitter identification data with said payment information, wherein the payment information corresponds to a credit card, and electronically enrolling a user associated with the customer transponder in a transaction processing program by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system.

5.   **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit
3691

CG
Nov 15, 2010